IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

-

WRIT PETITION NO : 10943 of 2004

Between:

1 K. Gayathri Reddy, D/o K. Ravinder Reddy,
2 K. Sudheer Kumar, S/o K Ravinder Reddy,
3 K. Sushmitha, D/o K. Ravinder Reddy,
(Petitioners 2 and 3 are minors, rep. by their father and natural guardian K. Ravinder Reddy S/o K. Venkat Reddy aged 44 years. (All petitioners are R/o H.No.11-38/A B.R. Compound,Badepally (V),Jadcherla Stn,Mahabubnagar Dt.

..... PETITIONER(S)

AND

The Mandal Revenue Officer, Jadcherla, Mahabubnagar District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ, order or direction more particularly one in the nature of a writ of Mandamus declaring the action of the respondent in not issuing the Caste Certificate to the petitioners on the ground that "Reddika Caste" is not there in Mahabubnagar District vide his Letter No. J/2133/2004, dated 14-6-2004 arbitrary, illegal and consequently direct the respondent to issue the Caste Certificate based upon the Caste Certificate issued by the Mandal Revenue Officer, Kakinada Urban,Kakinada

Counsel for the Petitioners :MR.S.SATYAM REDDY - Advocate

Counsel for the sole respondent No.: GP FOR SOCIAL WELFARE

The Court at the stage of admission made the following :

ORDER:

The present writ petition is filed questioning the action of the respondent in not issuing the caste certificate to the petitioners on the ground that "Reddika Caste" is not there in Mahabubnagar district vide endorsement No.J/2133/2004 dated 14-6-2004.

The petitioners claim to be belonging to "Reddika Caste" which falls under Backward Class community in Group "A". It is stated that the petitioners are originally residents of Kakinada, and while residing therein, they obtained caste certificates from the Mandal Revenue Officer, Kakinada Urban. Pursuant to their father's transfer to Jadcharla, they migrated to Jadcharla, Mahaboobnagar district. It is stated that the first petitioner has appeared for EAMCET-2004 and secured a rank and claims that she has fair chances of securing a seat under B.C—"A" group to which group she belongs to, and when she approached the respondent for issuance of caste certificate, the respondent vide endorsement dated 14-6-2004, informed the petitioners that the caste certificate cannot be issued to them. The impugned endorsement reads as under:

> "With reference to the above applications and after examination of the report of the Mandal Revenue Inspector, Jadcherla, it is revealed that the applicants have migrated to this place from other area. Since, "Reddika" caste is not there in this District, such certificate cannot be issued."

Learned counsel for petitioner Mr. S.Satyam Reddy submitted that the petitioners belong to "Reddika Caste" which is notified as a Back Ward Class

community in Group ”A”, and that the Mandal Revenue Officer, Kakinada Urban after conducting due enquiry has issued caste certificates to the petitioners in the month of February 2002. That pursuant to transfer of their father, the petitioners migrated to Jadcharla, Mahaboobnagar, and are prosecuting their studies. The first petitioner has appeared for EAMCET-2004 and secured a rank and she has fair chances of securing a seat under B.C.”A” quota. The counseling for EAMCET is scheduled to be held from 2-7-2004, and as per the conditions of counseling the first petitioner has to submit a fresh caste certificate obtained from the concerned Mandal Revenue Officer, and when she applied for the same to the Mandal Revenue Officer, the same was rejected on the ground that there are no people of “Reddika community” living in the district of Mahaboobnagar. It is also stated that the petitioners had even brought the fact that they were originally residing at Kakinada and migrated to Mahaboobnagar district pursuant to transfer of their father, to the notice of the respondent and also filed the caste certificates issued to them by the Mandal Revenue Officer, Kakinada urban. It is further submitted that rejecting the request of the petitioners for grant of caste certificates is illegal and arbitrary, as it affects the future prospects of the petitioners.

A counter affidavit in the matter was filed by the respondent stating that pursuant to applications made by the petitioners herein for issuance of caste certificate an enquiry was conducted by the Mandal Revenue Inspector wherein it was revealed that the petitioners are migrants and there is no third party evidence to show that the petitioners belong to “Reddika Caste” and as the said “Reddika Caste” is not in existence in Mahbubnagar district and the details about the social status, custom, food habits etc., of the said community people were not known, as such the request of the petitioners was rejected vide endorsment dated 14-6-2004. It is also stated that the petitioners can approach the concerned Mandal Revenue officer of the place from which they have migrated and can obtain the caste certificate as required by them. A further averment was made that issuing an integrated caste certificate as contemplated under Rule 5 is not possible and the same would create a bad precedence.

The Government Pleader for Social Welfare has called for a report from the Mandal Revenue Officer, Kakinada Urban, together with the Xerox copies of the caste certificates issued to the petitioners in the month of February, 2002, to the effect that the petitioners belong to “Reddika community”. Learned Government

Pleader reiterated the contentions raised in the counter affidavit.

Heard learned counsel for petitioner and learned Government Pleader for Social Welfare.

In the present case, the petitioners hail from Kakinada, East Godavari district and presently they are residing at Jadcharla, Mahaboobnagar district pursuant to the transfer of their father, and as per the rules of admissions, whenever students seek admission into educational institutions for further studies, they have to obtain a fresh community certificate from the concerned Mandal Revenue Officer, which has to be issued only after conducting an enquiry regarding the social status of the parents. Admittedly, in the present case, originally a caste certificate was issued to the petitioners in the month of February, 2002 by the Mandal Revenue officer, Kakinada Urban, after conducting an enquiry, as such the contention of the respondent herein that the Mandal Revenue Inspector has conducted an enquiry and found that there is no “Reddika” community people in Mahaboobnagar district, and therefore, caste certificate to the petitioners cannot be issued, is not justified. Admittedly, the petitioners had migrated from Kakinada to Mahaboobnagar district and the said fact was even revealed in the enquiry said to have been conducted by the Mandal Revenue Inspector, and in such circumstances, if the respondent had any doubt with regard to the genuineness or otherwise of the claim of the petitioners, the respondent ought to have enquired from the Mandal Revenue Officer, Kakinada Urban, before passing the impugned endorsement.

In the circumstances, the respondent is directed to call for a report from the Mandal Revenue Officer, Kakinada Urban as to the genuineness or otherwise of the caste certificate issued by him, and after taking into consideration the said report, pass appropriate orders on the applications of the petitioners for issuance of caste certificate, as expeditiously as possible, having regard to the fact that the first petitioner is seeking admission into MBBS Course and the counseling is in progress.

Subject to above direction, the writ petition is disposed of. No costs.

_____ N.V.RAMANA,J

14-7-2004

TVK

To

1.. The Mandal Revenue Officer, Jadcherla, Mahabubnagar District.

2. . 2CCs to G.P. for Social Welfare, High Court of A.P., Hyderabad

(OUT)

3. 2CD copies

*Form-NIC-OGS/WP{**AVLR**}*